

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JASON H. FURMAN, ET AL.

PLAINTIFFS

v.

**AETC II PRIVATIZED HOUSING, LLC;
ET AL.**

DEFENDANTS

§
§
§
§
§
§
§
§
§

CASE NO. 5:20-cv-01138

DEFENDANTS' DESIGNATION OF EXPERT WITNESSES

Defendants, AETC II Privatized Housing, LLC; AETC II Property Managers, LLC; and Hunt ELP, Ltd., serve this, their Designations of Expert Witnesses pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure and pursuant to the Court's scheduling Order. All reports attached hereto are incorporated by reference as if set forth herein.

Defendants reserve the right to designate additional experts and additional opinions of experts listed herein on the following grounds, to wit:

- A. Defendants have not yet had the opportunity to depose all of the witnesses (including Plaintiffs' experts).
- B. Upon transcription of these depositions, Defendants' experts will need a reasonable period of time to analyze same and potentially clarify and/or designate additional opinions.
- C. The disclosure of any rebuttal opinions offered pursuant to Rule 26(a)(2D)(ii).
- D. The disclosure of Declarations or other opinions offered in support of any *Daubert* or other motions to exclude and/or limit Plaintiffs' designated expert testimony.

Each of their experts will be made available for a deposition at Plaintiffs' request. These designations provide a general overview of the topics each expert will address. Without waiver of

the reservations set forth above, Defendants may call any of the following experts and named physicians:

1. Allison Stock
JS Held
365 Canal St. Ste. 2760
New Orleans, LA 70130

Allison Stock is a toxicologist and epidemiologist with over twenty years of toxicology, epidemiology, regulatory, and environmental experience. Dr. Stock's reports provide a statement of opinions held by her, including certain facts or data considered. Dr. Stock's reports may be supplemented as necessary based on circumstances described above. Those reports, including her *curriculum vitae*, testifying history, statement of compensation, and list of publications, are attached hereto as Exhibit 1. Finally, Dr. Stock may testify as to any issue raised by other experts within her field of expertise in this matter.

2. Tom Sumner, CIH, CSP, CHMM
JS Held
365 Canal St. Ste. 2760
New Orleans, LA 70130

Tom Sumner has over 30 years of technical/safety experience in Environmental Health and Safety projects, and is a Certified Industrial Hygienist. Mr. Sumner's reports provide a statement of opinions held by him, including certain facts or data considered. Mr. Sumner's reports may be supplemented as necessary based on circumstances described above. Those reports, including his *curriculum vitae*, testifying history, statement of compensation and a list of publications, is attached hereto as Exhibit 2. Mr. Sumner charges \$175 per hour. Finally, Sumner may testify as to any issue raised by other experts within his field of expertise in this matter.

3. Joseph Lstiburek, B.A.Sc., M.Eng., Ph.D., P.Eng., ASHRAE Fellow
Lstiburek Consulting, Inc./Building Science Corporation
70 Main St.
Westford, MA 01886

Dr. Joseph Lstiburek is a leading building science engineer and recognized authority on moisture-related building problems and indoor air quality. Dr. Lstiburek will use his education and experience in addition to his inspection of residences at Goodfellow Air Force Base to reach opinions in this case. Dr. Lstiburek's report provides a statement of opinions held by him, including certain facts or data considered. Dr. Lstiburek's report may be supplemented as necessary based on circumstances described above. Dr. Lstiburek's report, including his *curriculum vitae*, testifying history, statement of compensation and a list of publications, is attached hereto as Exhibit 3. Finally, Lstiburek may testify as to any issue raised by other experts within his field of expertise in this matter.

4. Ann Reisch, CRE, CCIM, CPM[®], RPA
Reisch Consulting Group, Inc.
581 Chico Ct.
Incline Village, NV 89451

Ann Reisch is an expert in property management, including management company operations, property maintenance and inspections, landlord/tenant disputes, and other areas of the residential leasing process. As a Certified Property Manager and licensed real estate broker who is a member of the Institute of Real Estate Management, National Apartment Association, and CCIM Institute, among others, Reisch has reviewed the case documents and will provide testimony based upon her education, experience, and document review. Ms. Reisch's report provides a statement of opinions held by her, including certain facts or data considered. Ms. Reisch's report may be supplemented as necessary based on circumstances described above. Ms. Reisch's report, her curriculum vitae, testifying history, statement of compensation, and list of publications are attached hereto as Exhibit 4. Finally, Ms. Reisch may testify as to any issue raised by other experts within her field of expertise in this matter.

5. Dr. Douglas B. Cooper, Ph.D., ABPP-CN
South Texas Neuropsychology

16014 Via Shavano
San Antonio, TX 78249

Dr. Douglas B. Cooper is a Board Certified Clinical Neuropsychologist who is licensed by the State of Texas. Dr. Cooper conducted or will conduct a record review and evaluation of the Plaintiffs pursuant to Fed. R. Civ. P. 35 in this case. Dr. Cooper is expected to testify based on his education, training, and experience as a neuropsychologist rendering treatment, therapy, and other medical care as it relates to the mental injuries and conditions set forth in Plaintiffs' Complaint, testimony, and medical records. Dr. Cooper will rely on his own personal examination and testing of the Plaintiffs, as well as information developed by other medical practitioners contained Plaintiffs' medical records, including, but not limited to, examinations, medical histories, laboratory tests, and diagnostic tests.

Dr. Cooper is expected to testify as to the claimed mental injuries asserted by Plaintiffs in this case, the alleged causation between those mental injuries and their residency at Goodfellow Air Force Base, medical bills, and/or other damages which may be claimed as a result of their residency as well as any claimed future injuries, treatment, and/or procedures.

A copy of the Rule 35 physicians' *curriculum vitae* is attached as Exhibit 5. Pursuant to Rule 35 the report for each Plaintiffs will be submitted within the time allowed by Court order.

6. Justin O'Rourke, Ph.D., ABPP
Clinical Neuropsychology of Texas, PLLC
9643 Huebner Rd., Ste. 103
San Antonio, TX 78240

Dr. Justin O'Rourke is a Board Certified Clinical Neuropsychologist who is licensed by the State of Texas. Dr. O'Rourke conducted or will conduct a neuropsychological record review and evaluation of the Plaintiffs pursuant to Fed. R. Civ. P. 35 in this case. Dr. O'Rourke is expected to testify based on his education, training and experience as a Neuropsychologist rendering

treatment, therapy and other medical care as it relates to the mental injuries and conditions set forth in Plaintiffs' Complaint, testimony and medical records. Dr. O'Rourke will rely on his own personal examination and testing of the Plaintiffs, as well as information developed by other medical practitioners contained Plaintiffs' medical records, including, but not limited to, examinations, medical histories, laboratory tests, and diagnostic tests.

Dr. O'Rourke is expected to testify as to the claimed mental injuries asserted by Plaintiffs in this case, the alleged causation between those mental injuries and their residency at Goodfellow Air Force Base, medical bills and/or other damages which may be claimed as a result of their residency as well as any claimed future injuries, treatment and/or procedures.

A copy of the Rule 35 physicians' *curriculum vitae* is attached as Exhibit 6. Pursuant to Rule 35 the report for each Plaintiffs will be submitted within the time allowed by Court order.

7. Michael A. Roman, Ph.D
Offices of Michael A. Roman, Ph.D
4242 Medical Drive, Building 7
Suite 7100
San Antonio, TX 78229

Dr. Michael A. Roman is a Board Certified Clinical Neuropsychologist who is licensed by the State of Texas. Dr. Roman conducted or will conduct a neuropsychological record review and evaluation of the Plaintiffs pursuant to Fed. R. Civ. P. 35 in this case. Dr. Roman is expected to testify based on his education, training and experience as a Neuropsychologist rendering treatment, therapy and other medical care as it relates to the mental injuries and conditions set forth in Plaintiffs' Complaint, testimony and medical records. Dr. Roman will rely on his own personal examination and testing of the Plaintiffs, as well as information developed by other medical practitioners contained Plaintiffs' medical records, including, but not limited to, examinations, medical histories, laboratory tests, and diagnostic tests.

Dr. Roman is expected to testify as to the claimed mental injuries asserted by Plaintiffs in this case, the alleged causation between those mental injuries and their residency at Goodfellow Air Force Base, medical bills and/or other damages which may be claimed as a result of their residency as well as any claimed future injuries, treatment and/or procedures.

A copy of the Rule 35 physicians' *curriculum vitae* is attached as Exhibit 7. Pursuant to Rule 35 the report for each Plaintiffs will be submitted within the time allowed by Court order.

8. Helen Reynolds, Ph.D.
Ruhter & Reynolds
3625 N. Hall St. Ste. 750
Dallas, TX 75219

Helen Reynolds, Ph.D. is an economist and damages expert. Dr. Reynolds may testify regarding the economic damages, including lost wages, sought by Plaintiffs in this case. In particular, Dr. Reynold will review the Plaintiffs' pleadings, discovery responses, testimony and supporting documents regarding their claims for economic damages, including lost wages. Dr. Reynolds' reports provide a statement of opinions held by her, including certain facts or data considered. Dr. Reynolds' reports may be supplemented as necessary based on circumstances described above. Dr. Reynolds' reports, her *curriculum vitae*, testifying history, statement of compensation, and list of publications, are attached hereto as Exhibit 8. Finally, Dr. Reynolds may testify as to any issue raised by other experts within her field of expertise in this matter.

In addition, Dr. Reynolds may offer testimony pursuant to Rule 26(a)(2)(B) regarding Defendants' net worth (should such testimony be admitted at trial). Defendants maintain that no cause of action for punitive damages is warranted under the facts or law in this case. Moreover, Defendants do not know which causes of action, if any, will survive summary judgment, what actual damages, if any, would be appropriate under those surviving causes of action, and whether any surviving claims do support a claim for punitive damages. However, in the event that the Court

determines that punitive damages on any remaining cause of action are appropriate, Defendants designate Dr. Reynolds to testify about the net worth of Defendants. Because net worth is highly confidential information and not relevant unless and until Plaintiffs can and do prevail on a cause of action for which net worth is relevant and because only the current net worth at time of trial would be potentially relevant to damages in this case, Dr. Reynolds does not have a report at this time. This designation will be supplemented as necessary. If called to testify, Dr. Reynolds' opinions will be based on her review of the applicable financial statements, and her education, training, and experience in the areas of accountancy and valuation. Dr. Reynolds charges \$425 per hour.

9. Rachel L. Adams, I.H., M.T. (ASCP), MWR, RPIH, RRP
JS Held
29 N Pennsylvania St, Ste 304
Indianapolis, IN 46204

Rachel L. Adams is an indoor air quality and industrial hygiene professional with particular experience in mold remediation. Ms. Adams is an IICRC approved instructor and served the cleaning and restoration industry by providing certification courses as well as participating in the ANSI accredited IICRC standards for water damage and mold remediation. Ms. Adams' report provides a statement of opinions held by her, including certain facts or data considered. Ms. Adams's report may be supplemented as necessary based on circumstances described above. Her report, including her curriculum vitae, testifying history, and list of publications, are attached hereto as Exhibit 9. Ms. Adams charges \$325 per hour. Finally, Ms. Adams may testify as to any issue raised by other experts within her field of expertise in this matter.

10. DKI Commercial Solutions
25 Northwest Point Blvd
Suite 1000
Elk Grove Village, ILL 60007

DKI Commercial Solutions (“DKI”) is residential and commercial emergency restoration service with experience in restoration and remediation of damage caused by water, fire and smoke, storms and mold. DKI conducted remediation and repairs at the Plaintiffs’ unit in this case. DKI has not been specifically retained in this litigation, but they are being designated pursuant to Rule 26(a)(2)(C) to testify regarding the work done in Plaintiffs’ home. The only written summary as to what DKI may testify to are included in the following documents, which have been previously produced with the following bates labels, and are incorporated herein by reference:

Title	Date	Bates
Invoice #INV22077 + Work Summary	1/14/2019	Furman - AETC - Gen02-01554-1558; Furman – AETC – Gen02-00550-554
Invoice #INV22745 + Work Summary	3/7/2019	Furman - AETC - Gen02-01516-01520; Furman – AETC – Gen02-01539-01543; Furman –AETC – Gen02-1591-1595; Furman –AETC – Gen02-01597-1601
Invoice #INV22745	3/7/2019	Furman –AETC – Gen02-00548
Invoice from Briercroft Fire & Water Restoration #SI-11620	11/28/2018	Furman - AETC - Gen02-01552; Furman –AETC – Gen02-01590; Furman – AETC – Gen02-01732; Furman –AETC – Gen02-00549

11. Craig A. Holder, Lt Col, USAF, BSC PhD, CIH
 Chief, Consultative Services Division
 Jesse M. Ford, SSgt, USAF
 Consultative Services Technician
 Department of the Air Force
 711th Human Performance Wing (AFRL)
 U.S. Air Force School of Aerospace Medicine (USAFSAM)
 2510 Fifth Street, Building 840
 Wright-Patterson AFB Ohio 45433-7913

Lt Col Craig A. Holder was formerly the Chief of the Consultative Services Division and SSgt Jess M. Ford was formerly a Consultative Services Technician with the U.S. Air Force School of Aerospace Medicine (“USAFSAM”). USAFSAM environmental health consultants evaluated a mold inspection report created by Mold Inspection Sciences Texas (“MIST”), a company hired by Plaintiffs to conduct mold inspection in their residence. SSgt Ford and Lt Col Holder have not been specifically retained in this litigation, but they are being designated pursuant to Rule 26(a)(2)(C) to testify regarding the USAFSAM’s interpretation of MIST’s mold inspection report. The written summary of what SSgt Ford and Lt Col Holder may testify to is included in the following documents and their deposition testimony, if any, which have been previously produced with the following bates labels, and are incorporated herein by reference:

Title	Date	Bates
USAFSAM Interpretation Letter Re: External Mold Inspection Report	9/11/2019	Furman – 0000308-311

12. Julia Mann, Esq. and Jeff T. Harvey, Esq. of Jackson Walker LLP

Julia Mann, who is one of the undersigned counsel for Defendants, is a partner in the San Antonio office of Jackson Walker LLP. She and/or her colleague in that office, Jeff T. Harvey, who was admitted to the Texas Bar in 1988 and who has particular professional experience in personal-injury law in the state of Texas, may be called to offer opinions as to the amount, reasonableness, and necessity of attorneys’ fees incurred by either or both sides in this case, which will include testimony as to hourly rates, the customary hourly rates in the community, the necessary work performed in a case such as this one, and the manner in which fees and expenses are incurred and maintained. Their testimony and opinions will be based on their professional experience as litigators in the Texas state and federal courts. No report can be prepared in light of

the ongoing nature of the attorneys' fees that are incurred in this case. Contact information is set forth in the signature block below, and personal information about Ms. Mann and Mr. Harvey may be obtained at the jw.com website.

SUPPLEMENTATION. Defendants reserve the right to supplement these opinions and expert designations in keeping with the Federal Rules of Civil Procedure. Defendants also reserve the right to offer rebuttal expert testimony in keeping with the Federal Rules of Civil Procedure. Defendants also reserve the right to supplement these opinions upon receipt and review of additional medical records, depositions, or discovery, including responses to discovery requests and rebuttals to opinions of any expert witnesses not already received.

Respectfully submitted this the 25th day of January 2023.

By: /s/ Walter H. Boone

Walter H. Boone, MS Bar No. 8651
Jennifer J. Skipper, State Bar No. 24076171
BALCH & BINGHAM LLP
188 East Capitol Street, Suite 1400
Jackson, MS 39201
Telephone: (601) 961-9900
Facsimile: (601) 961-4466
E-mail: wboone@balch.com
jskipper@balch.com

By: /s/ Julia W. Mann

Julia W. Mann, State Bar No. 00791171
Erica Benites Giese, State Bar No. 24036212
JACKSON WALKER LLP
112 E. Pecan Street, Suite 2400
San Antonio, Texas 782015
Telephone: 210-978-7761
Facsimile: 210-242-4646
E-Mail: jmann@jw.com

***Attorneys for AETC II Privatized Housing, LLC,
AETC II Property Managers, LLC, and Hunt ELP,
Ltd.***

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January 2023, service was made of a copy of the foregoing Notice of Deposition via e-mail upon the following:

Randall A. Pulman, Esq.
Ryan C. Reed, Esq.
Sarah Jackson, Donahue, Esq.
PULMAN, CAPPUCIO, & PULLEN, LLP
2161 NW Military Highway, Suite 400
San Antonio, TX 78213
(210) 222-9494 Telephone
(210) 892-1610 Facsimile
E-Mail: rpulman@pulmanlaw.com
rreed@pulmanlaw.com
mmcgowan@pulmanlaw.com
sdonahue@pulmanlaw.com

James R. Moriarty, Esq.
LAW OFFICES OF JAMES R. MORIARTY
4119 Montrose, Suite 250
Houston, TX 77006
(713) 528-0700 Telephone
(713) 528-1390 Facsimile
E-Mail: jim@moriarty.com

Mikal C. Watts
Francisco Guerra, IV
Jennifer Arlene Neal
Robert E. Brzezinski
WATTS GUERRA, LLP
Four Dominion Drive, Bldg. 3, Suite 100
San Antonio, TX 78257
(210) 477-0500
E-Mail: mcwatts@wattsguerra.com
fguerra@wattsguerra.com
jneal@wattsguerra.com
rbrzezinski@wattsguerra.com

/s/ Walter H. Boone

Walter H. Boone, MS Bar No. 8651